

to enforce ERISA §515, 29 U.S.C. §1145, aided by §306(a) of the Multi-Employer Pension Plan Amendments Act of 1980 (“MPPAA”), P.L. 96-364.

3. Venue is based on the district in which the Pension Plan is administered, the Middle District of Tennessee.
4. Plaintiff Dee Anne Walker is a Director and Secretary/Treasurer of the Board of Trustees of the Pension Plan.
5. The Pension Plan is an “employee welfare benefit plan” within the meaning of ERISA §3(1), 29 U.S.C. §1002(1), in that it was established by the Union, and is maintained for the purpose of providing its participants and beneficiaries with pension benefits.
6. The Pension Plan is a “multi-employer plan” within the meaning in ERISA §3(37)(A), 29 U.S.C. §1002(37)(A), in that more than one employer is required to contribute to the Pension Plan, and is maintained pursuant to collective bargaining agreements between the Union and its affiliated local unions and more than one employer.
7. The Pension Plan is administered in Nashville, Tennessee.
8. Defendant, Klise Manufacturing Company (the “Employer”), operates a factory located at 11450 3rd Avenue, NW, Grand Rapids, MI, and is an “employer” within ERISA §3(5), 29 U.S.C. §1002(5).
9. The Employer has at all relevant times been a party to a Collective Bargaining Agreement with Local 415 of the Union and its divisions (Local 415 Division), effective April 30, 2017. A copy of the collective bargaining agreement is attached hereto as “Exhibit 1.”

CAUSE OF ACTIONS FOR DEFENDANT'S
VIOLATIONS OF ERISA §515

10. Pursuant to the Collective Bargaining Agreement, the Employer was under an obligation to pay monthly contributions to the Pension Plan for coverage for all bargaining unit employees. (See, Exhibit 1, Article 9).
11. Pursuant to the Memorandum of Agreement, the Union and the Employer agreed to the following contribution rate for all bargaining unit employees as follows:

Effective 4/30/17 - .95¢ per hour per member

(See, Exhibit 1, Memorandum of Agreement dated April 30, 2017 through April 30, 2020).
12. Defendant has failed to make contributions to the Pension Plan since July 2017 through March 2018 in the approximate amount of \$19,213.61. (See Contributions Owed to UFW Insurance Fund by Klise Manufacturing Company, attached hereto as "Exhibit 2").
13. Since the enactment of the MPPAA, the Trustees of the Pension Plan has amended the Pension Plan, pursuant to MPPAA §306(b)(2), 29 U.S.C. §1132(g)(2), to provide that delinquent employers shall be liable for interest on the amount of delinquent contributions due at a rate equal to the prevailing prime interest rate plus two (2) percentage points and for liquidated damages in the amount equal to the greater of said interest or twenty percent (20%) of the unpaid contributions.

WHEREFORE, Plaintiff demands that judgment be entered against the Defendant as follows:

1. Awarding to the Pension Plan pursuant to ERISA §502(g), 29 U.S.C. §1132(g), the following:

- (a) the total amount of unpaid contributions due to the Pension Plan commencing with the months of July 2017 through March 2018 and continuing to date;
 - (b) interest on the amount of unpaid contributions due to the Pension Plan at a rate equal to the prevailing prime interest rate plus two (2) percentage points;
 - (c) liquidated damages equal to the greater of either:
 - (i) the amount of interest on the unpaid contributions pursuant to subparagraph (b) above, or
 - (ii) an amount equal to 20% of the unpaid contributions; and
 - (d) the reasonable attorneys' fees and costs of this action incurred by the Pension Plan.
- 2. An Order requiring the Employer to submit accurate written reports of contributions to the Pension Plan.
- 3. An Order granting to the Pension Plan a permanent injunction ordering the Employer to pay the amounts required to be paid to the Pension Plan pursuant to the Employer's Collective Bargaining Agreement, for each employee covered by that agreement subsequent to the commencement of this action, and to submit to the Pension Plan written reports of contributions as the Pension Plan may reasonably require.
- 4. Granting to the Pension Plan such other and further relief as the court deems appropriate.

Dated: Memphis, Tennessee
May __, 2018

/s/ Deborah Godwin

Attorney for Plaintiff

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